

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON LEE HARTZ,

Defendant.

No. 10-CR-4066-DEO

**ORDER
ACCEPTING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On August 18, 2010, a one count Indictment was filed in the above-referenced case (Docket No. 3).

Count 1 of the Indictment alleges that from a date unknown but in or about 2007 and continuing through July 2010, in the Northern District of Iowa, defendant Jason Lee Hartz and a co-defendant, did knowingly and unlawfully combine, conspire, confederate and agree with each other and other persons, known and unknown to the Grand Jury, to possess with the intent to manufacture and distribute 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

This was in violation of Title 21, United States Code, Section 846.

On October 25, 2010, defendant Jason Lee Hartz appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Count 1 of the Indictment. In the Report and Recommendation (Docket No. 42, 10/25/2010), Chief United States Magistrate Judge Paul A. Zoss recommends that defendant Jason Lee Hartz's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review to accept defendant Jason Lee Hartz's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

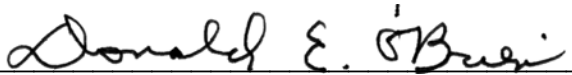
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Chief Magistrate Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss's Report and Recommendation (Docket No. 42), and accepts defendant Jason Lee Hartz's plea of guilty in this case to Count 1 of the Indictment filed on August 18, 2010 (Docket No. 3).

IT IS SO ORDERED this 30th day of November, 2010.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa